

ARTICLE 9: ZONING PROCEDURES AND ADMINISTRATION**Sec. 102-901: Purpose**

The purpose of this portion of the article is to establish the procedural requirements for zoning text amendments, zoning map amendments, special use review and approval, temporary use review and approval, sign permits, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Building and Zoning Superintendent, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

Sec. 102-902: RESERVED**Sec. 102-903: RESERVED****Sec. 102-904: Administration and Enforcement Official**

- A. Purpose. The administrative and enforcement officials are to ensure the provisions of this Title shall be administered and enforced equitably under the general police powers of the City of Sterling.
- B. Personnel Designated. The Building and Zoning Superintendent, or their designee, is hereby designated as the Zoning Administrator and Enforcement Officer for administering the provisions of this ordinance. For such duties he may be provided with the assistance of such additional persons as the City Council may direct.
- C. Duties.
 - (1) In the administration of this Title the Building and Zoning Superintendent shall perform the following duties:
 - (a) Maintain permanent and current records of this Title, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefore;
 - (b) Forward to the City Plan Commission all applications for conditional uses and for amendments to this Title that are initially filed with the City;
 - (c) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this ordinance.
 - (2) In the enforcement of this Title the Zoning Enforcement Officer shall perform the following duties:
 - (a) Responsible for the official interpretation of the provisions of this Title.
 - (b) Issue the necessary Zoning Use Permits and Occupancy Permits required by the provisions of this ordinance, provided its provisions and those of the building code have been complied with.
 - (c) Forward to the Board of appeals application for appeals, variances, or other matters on which the Board of Appeals is required to pass under this Title;
 - (d) In case of any finding of a violation of a provision of this ordinance, notify in writing, the actual violator where known, owner of the property on which the violation has taken place and the City Manager, indicating the nature of the violation and the action necessary to correct it.
 - (e) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Title;
 - (f) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this ordinance.

- D. Authority. In the enforcement of said ordinance, the Zoning Enforcement Officer shall have the power and authority for the following:
- (1) At any reasonable time to enter upon any public or private premises and make inspection to determine compliance with this Title. However, if he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Illinois Statutes.
 - (2) Upon reasonable cause or question as to proper compliance, to revoke any Zoning Use Permit or Occupancy Permit, and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this ordinance, such revocation to be in effect until reinstated by the Zoning Enforcement Officer or the Board of Appeals; or take any other action as directed by the City Council to ensure compliance with or to prevent violation of the Sterling Municipal Code provisions.
 - (3) In the name of the City and with the endorsement of the City Attorney, commence any legal proceedings necessary to enforce the provisions of this ordinance, including the collection of forfeitures provided for herein.

Sec. 102-905: Zoning Board of Appeals

- A. Establishment. There is hereby established a Zoning Board of Appeals in the City of Sterling in accordance with Section 65 ILCS 5/11-13-3 of Illinois State Statutes for hearing appeals and applications, and granting variations and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the Zoning Ordinance.
- B. Membership
- (1) Composition. The Zoning Board of Appeals shall consist of seven (7) members appointed by the Mayor and confirmed by the Common Council.
 - (2) Terms. The members of the Board of Appeals shall serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor of each member so appointed shall serve for a term of five years.
 - (3) Chairman. One of the members of the zoning Board of Appeals, at the time of his appointment, shall be designated by the City Council as chairman of the zoning Board of Appeals, and shall hold office as chairman until a successor is appointed. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
 - (4) Recording Secretary; Executive Secretary. The Zoning Board of Appeals shall have a secretary and may employ a court reporter who shall make and keep a record of all of its meetings and official acts. The Building and Zoning Superintendent shall be the executive secretary to the Board and shall attend all meetings called by the Board.
 - (5) City Staff. The City may designate that a member of the staff to attend meetings of the Board of Appeals for providing the City's case.
 - (6) Continuation of existing board. The zoning Board of Appeals in existence at the time of the passage of the ordinance from which this chapter is derived shall be recognized as the zoning Board of Appeals established under the provisions of this chapter, and the members previously appointed under the old ordinances shall be recognized as members thereof, and shall serve for such period of time as designated at the time of appointment, the time to run from the date of the original appointment under the old ordinance.
 - (7) Vacancies. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.
- C. Powers of the Board. The Board of Appeals shall have the following powers:
- (1) Hear and pass upon applications for variations from the terms provided in this chapter in the manner prescribed by, and subject to, the standards established in this chapter.

- (2) Hear and decide all matters referred to it or upon which it is required to pass under this chapter as prescribed by statute.
- (3) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
- (4) To hear and decide special exceptions to the terms of this ordinance upon which such Board is required to pass under this ordinance.
- (5) To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (6) To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation. To permit, in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (7) The Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- (8) The Board of Appeals may request assistance from other City officers, departments, commissions, and boards.

D. Meetings and procedures.

- (1) Rules of Procedure. The Board may adopt such rules of procedure as it deems necessary for the conduct of its proceedings, and may require submission of such records, plats and other information necessary to make its determinations. A copy of the rules of procedure, and all recommendations relating thereto, shall be filed in the office of the secretary
- (2) Meetings. All meetings of the zoning Board of Appeals shall be held at the call of the chairman and at such other times as the zoning Board of Appeals may determine. There shall be at least 15 days' but not more than 30 days' notice of the time and place of such meeting published in a paper of general circulation in the city, such notice to contain a statement of the particular purpose of such meeting and a brief description of the location of the property under consideration at such meeting. All meetings of the zoning Board of Appeals shall be open to the public.
- (3) Minutes. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case and the reasons for granting or denying each application shall be specified. Every rule and regulation and every order, requirement, decision or determination of the Zoning Board of Appeals shall immediately be filed in the office of the secretary and shall be of public record.
- (4) Oaths: The Chair of the Board of Appeals may administer oaths and compel the attendance of witnesses.
- (5) Finality of decisions. All decisions and findings of the zoning Board of Appeals, on appeal or upon application for a variation after a hearing, shall, in all instances, be final administrative determinations and shall be subject to review by courts as by law may be provided.

E. Appeals.

- (1) General.
 - (a) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal

shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officers from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- (b) An application for a variation shall be filed in writing with the Building and Zoning Superintendent. The application shall contain such information as the Zoning Board of Appeals may from time to time, by rule, require.
- (c) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (d) Appeals of the Subdivision, Land Division, and Platting Provisions. The granting of variances to the land division and platting related issues of Chapter 82 Subdivisions of the City of Sterling Municipal Code shall be the sole charge of the Plan Commission.

(2) Administrative Appeals

- (a) General Application Requirements. Appeals from the decision of the Building and Zoning Superintendent and/or the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved, or by any officer, department, board, or bureau of the City. Such appeals shall be filed with the Planning Department within twenty (20) days after the date of written notice of the decision or order of the Building and Zoning Superintendent or Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected anytime and shall be filed with the Planning Department. Such appeals and application shall include that information and data as outlined in the Board of Appeals Rules of Procedure.
- (b) Applications Relating to Floods, Shoreland, and Wetland Related Mapping Disputes. See the provisions of Chapter 46 Floods of the City of Sterling Municipal Code.

(3) Dimensional Variances

- (a) Purpose. The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact according to the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- (b) Application and Notice of Hearing. An application for a variance shall be filed in writing with the Planning Department. The application shall contain such information as outlined in the Board of Appeals Rules of Procedure. Before decisions on such petitions, the Board of Appeals shall hold a public hearing thereon pursuant to the requirements set forth in the Board of Appeals Rules of Procedure.
- (c) Findings of Facts. No variance to the provisions of this Ordinance (except as otherwise provided) shall be granted by the Board of Appeals unless it finds that if the variance is granted it would not be contrary to the public interest; a literal enforcement of the Ordinance provisions would result in practical difficulties or unnecessary hardship due to special conditions; the spirit of the Ordinance is preserved; public safety and welfare are secured and substantial justice done. In reviewing the application and evidence relating to a variance the Board of Appeals shall consider the findings statements set forth this Section of this Ordinance.

- (4) Authorized variations; expiration. Variations from the regulations of this chapter shall be granted by the zoning Board of Appeals only in accordance with the standards established in subsection (g) of this section, and may be granted only in the following instances and in no others:
- (a) To permit any yard or setback less than the yard or setback required by the applicable regulations, but not more than 25 percent.
 - (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 90 percent of the required area and width.
 - (c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
 - (d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater.
 - (e) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served.
 - (f) To increase by not more than 20 percent the gross area of any sign.
 - (g) To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations.
 - (h) To exceed any of the authorized variations allowed under this section, when a lot of record or a zoning lot, vacant or legally used on October 4, 1971, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of a conveyance under threat of an eminent domain proceeding reduced in size so that the remainder of the lot of record or zoning lot or structure on the lot does not conform with one or more of the regulations of the district in which the lot of record or zoning lot or structure is located.

F. Public Hearings for Board of Appeals

- (1) General. The Board of Appeals shall hold a public hearing upon each variance within a reasonable time of the date of filing. The Zoning Board of Appeals shall publish notice of a public hearing, at least 15 days but not more than 30 days notice of the time and place of such meeting published in a paper of general circulation in the City, on such application for variation, stating the time and place and the purpose of the hearing. Notice of the public hearing shall be mailed to the petitioner and the owners of all property deemed by the Zoning Board of Appeals to be affected thereby. The cost of notifying the affected property owner and the cost of advertising the notice of public hearing shall be borne by the petitioner. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.
- (2) Conduct of Public Hearing. The Vice-Chair of the Board of Appeals shall place all witnesses under oath. The Board of Appeals shall hear all relevant evidence presented for and against the application. The Chairman of the Board of Appeals may rule on exceptions to evidence and permit examination of witnesses.

G. Findings. The Board of Appeals shall grant no variance to the provisions of this Ordinance unless it finds that the following facts and conditions exist when applicable and so indicates in the minutes of its proceedings:

- (1) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall permit a use in any district that is not a stated permitted use, accessory use, or Special Use in that particular district.
- (2) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally

to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

- (3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.
- (4) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) Preservation of Health, Safety, Welfares, Morality of the Community. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (6) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (7) Additional Requirements in Shoreland-Wetland Districts. See the provisions of Chapter 82 Floods of the City of Sterling Municipal Code.

H. Decision.

- (1) Required Vote. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to grant a variation.
 - (2) Finding Of Fact. Every Finding of Fact shall be signed by the Chair or Vice-Chair and attested to by the Board Secretary as evidence of the action of the Board. The original Finding of Fact letter shall be sent to the Appellant. Copies of each Finding of Fact letter shall be filed with the Board's record of the case, the property file, and the Administrative Officer by the Recording Secretary
 - (3) Conditions. Conditions may be placed upon any Zoning Permit ordered or authorized by the Board of Appeals.
 - (4) Decision. The Zoning Board of Appeals shall, within 30 days after the public hearing, render its decision in writing.
- I. Resubmittal. No appeal that has been dismissed or denied shall be considered again within one year except: on a motion to reconsider the vote made by a member voting with the majority within thirty (30) days of the date of the decision, or on a request for a re-hearing.
- J. Re-Hearing. No request to grant a re-hearing shall be entertained unless substantial new evidence is submitted which could not reasonably have been presented at the previous hearing. In all cases, the request for a re-hearing shall be in writing listing the reasons for the request, and shall be duly verified and accompanied by the necessary data and diagrams. The party requesting the re-hearing shall be notified to appear before the Board on a date to be set by the Board, of which the requestor shall be notified. If a motion to grant a re-hearing receives the affirmative votes of four or more members of the Board, the case shall be put on the calendar for a re-hearing. Re-hearings shall be subject to the same requirements as the original hearing.
- K. Review by Court of Record. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the secretary of the Board of Appeals.
- L. Compensation. The City Council shall determine the annual compensation for service of the members of the Board of Appeals.

Sec. 102-906: Plan Commission

- A. Created; purpose. In order that adequate provisions be made for the preparation of a comprehensive city plan for the guidance, direction and control of the growth and development or redevelopment of the city and contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included in any municipality, a plan commission is hereby created under authority of the Illinois Municipal Code (65 ILCS 5/1-1-1 et seq.).
- B. Composition. The plan commission shall consist of seven voting members who shall reside within the city, or within territory contiguous to the city, and not more than 1 1/2 miles beyond the corporate limits of the city, and not included within the corporate limits of any other municipality, and who shall be appointed by the mayor and confirmed by the City Council on the basis of the qualifications for duties as a member of the plan commission.
- C. Term of members; vacancies. The seven members of the plan commission appointed by the mayor and approved by the City Council shall serve terms of three years each. Vacancies shall be filled by appointments for unexpired terms only. Present members shall serve out their unexpired terms.
- D. Compensation of members. The City Council shall determine the compensation for annual service of all members of the Plan Commission.
- E. Organization; rules of procedure; records; annual report. Immediately following their appointment the members of the plan commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with city ordinances and state laws. The commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The commission shall also file an annual report with the City Council setting forth its transactions and recommendations.
- F. Powers and duties. The plan commission shall have the following powers and duties:
 - (1) To prepare and recommend to the City Council a comprehensive plan for the present and future development or redevelopment of the city. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of the city. This plan may include reasonable requirements with reference to streets, alleys, public grounds and other improvements specified in this section. The plan, as recommended by the plan commission and as thereafter adopted in the city, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than 1 1/2 miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances (a) establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as defined in this section; (b) establishing reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, schoolgrounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and (c) may designate land suitable for annexation to the city and the recommended zoning classification for such land upon annexation.
 - (2) To recommend changes, from time to time, in the official comprehensive plan.
 - (3) To prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.
 - (4) To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive plan.
 - (5) To prepare and recommend to the City Council schemes for regulating or forbidding structures or activities which may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in section 1.2 of the Comprehensive Solar Energy Act of 1977 (30 ILCS 725/1.2), or to recommend changes in such schemes.

- (6) To exercise such other powers germane to the powers granted by article 11 of the Illinois Municipal Code (65 ILCS 5/11-1-1 et seq.) as may be conferred by the corporate authorities.
- G. Official map; land subdivision requirements.
- (1) At any time, before or after the formal adoption of the official comprehensive plan by the City Council, an official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within 1 1/2 miles from the corporate limits of the city. All requirements for public hearing, filing of notice of adoption with the County Register of Deeds, and filing of the plan and ordinances, including the official map, with the city clerk shall be complied with as provided for by law.
- (2) No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the city or within contiguous territory which is not more than 1 1/2 miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, streetlights, public grounds, size of lots to be used for residential purposes, stormwater and floodwater runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances, including the official map.
- H. Reports regarding public improvements. The city clerk shall furnish the plan commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The plan commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the City Council.
- I. Time Restrictions for Plan Commission Approvals. Plan commission approvals granted for building, site and operation plans, signs, second garage structures, temporary structures and sketch land divisions in which the petitioner has not commenced construction activity or preparation of the land, or has not submitted a Certified Survey Map or Preliminary Plat within the past 24 months of the date of approval, said approval will expire and reapplication will be required. A reapplication shall be limited solely to reasonable compliance with current design, locational, and operational requirements. A reapplication shall not involve the basic permissibility of the use where such use is permitted by right at the time of reapplication. The Plan Commission may grant one six month extension if requested 30 days prior to the pending expiration date provided that the applicant demonstrates a valid cause. This section shall be in force and effect for all applications filed after the date of adoption and publication.
- J. Expenditures. The plan commission may, with the approval of the mayor or city manager, employ a secretary or staff, or both, whose wages or salaries and other necessary expenses shall be provided for by the City Council from the public funds.
- Sec. 102-907: If the plan commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the City Council and appropriations by the City Council.
- A. Fees. Fees, as established from time to time by resolution of the City Council, associated with Plan Commission petitions shall be paid by the petitioner prior to the item being added to the agenda.

Sec. 102-907: Historic Preservation Commission

- A. Establishment: The Sterling Plan Commission, as constituted under Division 10 of Article V in Chapter 2 of the City of Sterling Municipal Code is hereby designated as the Historic Preservation Commission. This designation shall not be delegated to any subordinate organization, committee, or sub-committee unless specifically proposed by the Plan Commission and approved by a three-quarters vote of the City Council.
- B. Powers and Duties: The commission shall have the power, subject to Subsection C, to recommend the designation of historic structures, historic sites, and historic districts within the city limits. Such designations shall be made based on criteria in Section 102-334(C)(1). All recommendations shall be approved by the City Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.

C. Procedures for Designation of Historic Structures, Sites, and Districts.

- (1) Nomination. Structures, sites, and districts shall be nominated for designation as historic in nature. Nominations shall be in writing to the commission. Nominations for historic structures or sites may only be submitted by the following: the property owner or owners of record as listed in the office of the City Clerk, or any two members of the City Council. Nominations for historic districts may only be submitted by the owners of 51% of the property in the proposed district or by 51% of the owners of the property in the proposed district, or by any two members of the City Council.
- (2) Nominations received by the commission shall be considered during routine business meetings of the commission. The property owner(s) shall be permitted to offer any statement(s) to the commission concerning the nomination. This statement may be written or oral. In the case of nominations for historic districts, the nomination shall not be considered for the purposes of interim controls until the underlying Historic Preservation Plan has been completed and submitted to the commission
- (3) The commission shall cause to be published a Class I notice of a hearing and conduct said hearing for all nominations to designate an historic structure, site, or district. In the case of a nomination of a historic district, no notice or hearing shall proceed unless a historic preservation plan has been made available to the commission prior to such notice and hearing.
- (4) The City Clerk shall notify the property owner(s) of record of any property nominated by first class mail at least ten (10) days prior to such hearing. In addition, the City Clerk shall notify the owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
- (5) The commission shall then conduct such hearing and, in addition to the notified persons, may hear expert witnesses, and may conduct an independent investigation of the proposed designation. The commission shall make a preliminary written findings of fact, after applying criteria in Section 102-334(D)(1), on all nominations within sixty (60) days of the hearing. Owners of nominated property shall be provided a copy of the preliminary findings of fact, and any required historic preservation plan, within ten (10) days of the issuance of the preliminary written findings of fact.
- (6) The owners of nominated property shall have thirty (30) days in which to protest in writing to the commission any of its preliminary findings of fact. The commission shall issue final findings of fact on designating any property as historic no less than sixty (60) days nor more than ninety (90) days after the date of the preliminary findings of fact.
- (7) A three-fourths vote of the commission shall be required to recommend designation historic structures or sites to the City Council. The City Council shall act on such recommended designations within sixty(60) days of receipt of the Plan Commission recommendation and finding of fact. Failure by the City Council to act upon the recommended designation shall result in a denial of said designation unless the Council, for good reason, extends the timeframe for final action. A three-fourths vote of the Council shall be required to designation a historic structure or site.
- (8) Nominations for historic district designation shall be accompanied by a historic preservation plan for each district. It is the responsibility of the individuals submitting the nomination to prepare and fund the Historic Preservation Plan. The Historic Preservation Commission, subject to City Council approval, or the City Council may elect to fund the preparation of the Historic Preservation Plan at its discretion. Once submitted, the nomination for Historic District designation shall be evaluated by the Historic Preservation Commission according to Subsection (C). The commission shall submit final written findings of fact and their recommendation for designation of Historic Districts to the City Council. The City Council shall act on the Commission's recommendation within sixty (60) days of receipt. Failure of the Council to act shall result in the nomination being denied. A three-fourths (3/4) vote of the City Council is required to designate a Historic District.
- (9) Rescission of a designation as a historic structure, site, or district shall be in accordance with the procedures established in (C).
- (10) After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk, Building and Zoning Superintendent, and

city assessor. The Commission shall cause the designation or rescission to be recorded, at city expense, in the office of the Whiteside County Register of Deeds.

- D. Interim Control. No building permit shall be issued by the Zoning Enforcement Officer for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination is first presented in writing, or in the case of a historic district, from the date of the receipt of the historic preservation plan, until the final disposition of the nomination by the Historic Preservation Commission or the City Council, unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health or safety. In no event shall the delay be for more than one hundred and eighty (180) days, unless specifically extended by the City Council.
- E. Historical Markers.
- (1) Property owners may request the placement of Illinois Historical Markers on their designated properties by completing the Illinois Historical Marker Application Form. The cost of these markers shall be paid by the property owner.
 - (2) The commission may request the placement of Illinois Historical Markers on any property designated as a historic site or structure, or within the boundaries of a historic district. The cost of these markers shall be paid by the City. The markers may be located upon public property subject to approval of the Plan Commission (and Sterling Park District, if located on park land) or on private property provided the property owner approves and grants an easement for emplacement and maintenance of the historical marker.

Sec. 102-908: RESERVED

Sec. 102-909: RESERVED

Sec. 102-910: Zoning Permit

- A. Purpose. The purpose of the zoning permit is for the city to communicate an official statement that the land use and operations described in the permit application are deemed to comply with the regulations as set forth under this Title.
- B. Permit Required. No building or structure shall be erected, reconstructed, enlarged or moved until a zoning permit shall have been applied for in writing and issued by the Building and Zoning Superintendent. Such permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.
- C. Application. Applications for a zoning permit shall be made to the Building and Zoning Superintendent on forms furnished by the Building and Zoning Superintendent and shall include the following where pertinent and necessary for proper review:
- (1) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Property owner signature.
 - (3) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (4) Site plan. Every application for zoning permit submitted to the Building and Zoning Superintendent shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and location of existing buildings on the lot. The site plan shall also show all accessory buildings, existing and proposed structures, all existing and proposed off-street parking and loading, streets and public ways, and accurate dimensions of the lot, yards and buildings, together with locations, size and use of any land and all buildings not on the lot and within 50 feet from the boundaries thereof, unless separated by a street.

- (5) Additional information as may be required by the Plan Commission or Building and Zoning Superintendent.
- D. Conformance with chapter. Before a permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this chapter.
- E. A zoning permit shall be granted or denied by the Building and Zoning Superintendent in writing within thirty (30) days of the application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within four (4) months unless the project site exhibits progress. Any permit issued in conflict with the provisions of the Chapter shall be null and void.
- F. Fees
 - (1) All applicants shall pay a zoning permit fee at the time of application.
 - (2) Zoning permit fees do not include and are in addition to building permit fees established by the City.
 - (3) Fees for zoning permits amendments shall be in accordance with Section 102-933: Fees of this Chapter.
 - (4) If work is started before a permit is applied for and issued by the Building and Zoning Superintendent, a penalty may be applied. Such penalty shall not release the applicant from full compliance with the provisions of Chapter 102 nor from prosecution for violation of this Chapter.
 - (5) Fees for written determinations by the Building and Zoning Superintendent may be applied.

Sec. 102-911: Certificate of Occupancy

- A. Purpose. The purpose of this Section is to provide regulations governing the review and approval of Certificates of Occupancy. This procedure is required to ensure completed development complies with the approved site plan per the requirements of Section 102-924: Building, Site and Operation Plan Review and Approval, and the requirements of this Chapter as a whole.
- B. A certificate of occupancy, to be issued by the Building and Zoning Superintendent, shall be required for any of the following, except buildings incidental to agricultural operations other than residences:
 - (1) Occupancy and use of a building hereafter changed, erected, or enlarged.
 - (2) Change in use of an existing building.
 - (3) Occupancy and use of vacant land, except for the raising of crops.
 - (4) Change in the use of land to a use of a different classification, except for the raising of crops.
 - (5) Any change in the use of a nonconforming use.
- C. Issuance of Certificate of Occupancy. No such occupancy, use or change of use shall take place until a certificate of occupancy shall have been issued based upon the following:
 - (1) Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the zoning permit for such building. No fee shall be charged for an original certificate applied for coincident with the application for a zoning permit. For all other certificates, or for copies of any original certificate, a fee may be required. The certificate shall be acted upon within three days after a written request for the certificate has been made to the Building and Zoning Superintendent after the erection or enlargement of such building or part thereof has been completed in conformance with the provisions of this chapter.
 - (2) Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Building and Zoning Superintendent for a period of not more than six months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate may be renewed, but it shall not be construed

- in any way to alter the respective rights, duties or obligations of the owner or of the city relating to the use of occupancy of the land or building, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants.
- (3) Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as provided in this chapter, shall be made to the Building and Zoning Superintendent.
 - (4) If the proposed use is in conformity with the provisions of this chapter, the certificate of occupancy therefore shall be issued within three days after application for the certificate has been made.
 - (5) Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this chapter.
 - (6) A record of all certificates of occupancy shall be kept on file in the office of the Building and Zoning Superintendent, and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.
- D. Certificate of Occupancy for Legal Nonconforming Uses. Upon application, a Certificate of Occupancy shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Chapter, or in existence at the effective date of this Chapter. Application for such Certificate of Occupancy for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Chapter. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a legal nonconforming use.
- E. Termination of a Certificate of Occupancy. It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection (B), above, without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter.
- F. Fee. A fee is required for this procedure.

Sec. 102-912: RESERVED

Sec. 102-913: Annexation Review

- A. Purpose and Intent. This section is intended to facilitate the orderly annexation of unincorporated areas into the City of Sterling. It is designed to provide guidance and to aid in the necessary procedural and decision making processes that are required when reviewing annexation proposals. The purpose of annexation is to allow the city to:
- (1) Advance the goals and objectives of the City of Sterling Comprehensive Strategic Plan.
 - (2) Provide for a planned, rational, and integrated pattern of land uses and lot configurations in those areas in and adjoining the City.
 - (3) Protect residential, business, commercial, office, and industrial areas within the City from encroachment by incompatible unincorporated uses and ensure that land allocated to a class of uses shall not be usurped by other inappropriate unincorporated uses.
 - (4) Provide a more rational pattern of relationships between incorporated and unincorporated land uses for the mutual benefit of residents, patrons, and employees.

- (5) Promote the recognition of aesthetics as a value and a standard throughout and around the City.
 - (6) Ensure the provision of public necessities, such as water, sewers, streets and parks for land within the City limits.
 - (7) Improve the quality of services provided to those areas on the periphery of the City through annexation.
 - (8) Protect its interest and maintain control of the uncompensated demands made upon the City facilities and/or services from unincorporated areas.
- B. Petition for Annexation. A property owner desiring to annex territory into the City shall file with the City Clerk a legally sufficient petition for annexation as provided by the Municipal Code and statutory procedures outlined in the 65 ILCS 5/Art. 7 Division 1. Annexation. Such petition will be reviewed by the City to determine its adequacy for review and action by the Plan Commission and City Council.
- C. Staff Review. The Building and Zoning Superintendent, or their designee, shall conduct a thorough review and study of the proposed annexation and any agreements. The Superintendent shall consult with the heads of the City Departments and City Attorney in making a recommendation or modifications of the petition. All relevant factors and circumstances shall be reported to the Plan Commission and City Council.
- D. Plan Commission Review. The Plan Commission shall review the petition for annexation and make a written report to the City Council and/or shall state in the minutes, its findings regarding the application as a whole. Specifically, the Plan Commission shall evaluate and recommend to the City Council:
- (1) Zoning designation(s) upon annexation.
 - (2) Number, location and type of units to be permitted.
 - (3) Preservation of existing features.
 - (4) Proposed roadways, parking areas, recreational and other public facilities, water and sewer lines, and retained open space.
 - (5) Deeding and dedication of land, water rights, rights-of-way, and easements for public purposes.
 - (6) Status of non-conforming uses or site characteristics existing on the property.
- E. City Council Action. The City Council, after due consideration and recommendation by the Plan Commission, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions as provided by the Municipal Code and 65 ILCS 5/Art. 7 Division 1. Annexation

Sec. 102-914: Amendment of Zoning Regulations

- A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Title while promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the City, and lessening or avoiding congestion in the public streets and highways. The City Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed by this Title, provided that in all ordinance amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire City, and the uses to which property is devoted at the time of the adoption of an ordinance amendment.
- B. Initiation of Request for Amendment of Chapter 102. Proceedings for amendment of this Ordinance may be initiated by any one of the following methods:
- (1) Application by any member of the general public;
 - (2) Recommendation of the City Staff;
 - (3) Recommendation of the Plan Commission; or
 - (4) Action of the City Council.
- C. Application Requirements. All applications for proposed amendments to this Ordinance, regardless of the party of their initiation per (b) above shall be approved as complete by the Building and Zoning

Superintendent prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Building and Zoning Superintendent has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda for action shall occur with certification. The item may be placed on any agenda as a discussion-only item, with the permission of the Building and Zoning Superintendent or the Plan Commission Chair, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with the requisite number of copies of the complete application as certified by the Building and Zoning Superintendent. Said complete application shall be comprised of all of the following:

- (1) A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
 - (2) A copy of the text which is proposed to replace the current text; and
 - (3) As an optional requirement, the Applicant may wish to provide written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the recommendation of the Comprehensive Strategic Plan, particularly as evidenced by compliance with the standards set out in subsection (d)(3)a – d.
- D. Review by the Building and Zoning Superintendent and City Departments. The proposed text amendment shall be reviewed by the Building and Zoning Superintendent, the City Planner, the City Engineer, pertinent City Departments including Police, Fire, Public Works, and Streets as follows:
- (1) The Building and Zoning Superintendent shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Building and Zoning Superintendent determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Building and Zoning Superintendent determines that the application is complete, he shall so notify Applicant.
 - (2) Upon notifying the Applicant that his application is complete the Building and Zoning Superintendent shall review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application per subsection (c)(1) - (3).
 - (3) The Building and Zoning Superintendent may also evaluate the application to determine whether the proposed text amendment is in harmony with the recommendations of the Comprehensive Strategic Plan, particularly as evidenced by compliance with the standards of Subsection 22(d)(3)a - d:
 - (a) The proposed text amendment furthers the purposes of this Chapter as outlined in Section 102-013.
 - (b) The proposed text amendment furthers the purposes of the general Article in which the amendment is proposed to be located.
 - (c) The proposed text amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.
 - (d) The following factors have arisen that are not properly addressed in the current zoning text:
 - (i) The provisions of this Chapter should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
 - (ii) A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - (iii) New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
 - (iv) Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.

- (e) If the proposed text amendment is concerned with the provisions of Article II and/or Article III, the proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
- (4) The Building and Zoning Superintendent shall forward the report per Subsection (d)(2), and if it has been prepared, the report per Subsection (d)(3), to the Plan Commission for the Commission's review and use in making its recommendation to the City Council. If the Building and Zoning Superintendent determines that the proposal may be in conflict with the provisions of the Comprehensive Strategic Plan, the Building and Zoning Superintendent shall note this determination in the report.
- E. Review and Recommendation by the Plan Commission. The City Council shall not make an amendment to this Chapter without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
 - (1) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application after the acceptance and determination of the complete application as determined by the Building and Zoning Superintendent. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 102-737 of this Title. Said notice shall contain a description of the proposed text change.
 - (2) After the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission may make a written report to the City Council and/or shall state in the minutes, its findings regarding Subsection (e)(1) and its recommendations regarding the application as a whole. Said report and/or minutes shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of (3)a – d, above.
 - (3) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of a Applicant-approved extension per Subsection (e)(2), then the City Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per Subsection (e)(1) shall not invalidate the proceedings or actions of the City Council. If such a public hearing is necessary, the City Council shall provide notice per the requirements of Subsection (e)(1).
 - (4) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in 22-902(d)(3)a – d, after taking into consideration the proposal by the Applicant.
- F. Review and Action by the City Council. The City Council shall consider the Plan Commission's recommendation regarding the proposed text amendment. The Council may request further information and/or additional reports from the Plan Commission, Building and Zoning Superintendent, and/or the Applicant. The Council may take final action on the application at the time of its initial meeting, or may continue the proceedings, at the Council's, or the Applicant's request. The City Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Building and Zoning Superintendent, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the City Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in 65 ILCS 5/ of the Illinois Municipal Code shall be followed prior to City Council action. Any action to alter the provisions of proposed amendment requires a simple-majority vote of the Council. The City Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- G. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Building and Zoning Superintendent.
- H. Fee. A fee is required for this procedure as established from time-to-time by the City Council.

Sec. 102-915: Amendment to Official Zoning Map

- A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map. The City shall cause to be published no later than March 31 of each year a map clearly showing the existing zoning uses, divisions, restrictions, regulations and classifications of the City of Sterling for the preceding calendar year.
- B. Initiation of Request for Amendment to Official Zoning Map. Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following three methods:
- (1) an application of the owner or agent of the subject property;
 - (2) a recommendation of the City Staff;
 - (3) a recommendation of the Plan Commission; or
 - (4) by action of the City Council .
- C. Application Requirements. All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per Subsection 102-903(b) shall be filed in the office of the Building and Zoning Superintendent, and shall be approved as complete by the Building and Zoning Superintendent prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Building and Zoning Superintendent has certified acceptance of the complete application. No placement of the application on any agenda for action shall occur without certification. The item may be placed on any agenda as a discussion-only item, by the Building and Zoning Superintendent or Plan Commission Chair, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with the requisite number of copies of the complete application. Said application shall be comprised of the following:
- (1) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 150 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the City of Sterling. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (2) A map, such as the Land Use Plan or Zoning Map, of the generalized location of the subject property in relation to the City as a whole; and
 - (3) As an optional requirement, the Applicant may wish to provide justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with recommendations of the Master Plan, particularly as evidenced by compliance with the standards set out in (d)(3)a – c, below.
- D. Review by the Building and Zoning Superintendent. The proposed amendment to the Official Zoning Map shall be reviewed by the Building and Zoning Superintendent as follows:
- (1) The Building and Zoning Superintendent shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Building and Zoning Superintendent determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Building and Zoning Superintendent determines that the application is complete, he shall so notify the Applicant.
 - (2) Upon notifying the Applicant that his application is complete, the Building and Zoning Superintendent shall review the application and evaluate and comment on the written justification for the proposed map amendment provided in the application per 102-903(c)(3).

- (3) The Building and Zoning Superintendent may also evaluate the application to determine whether the proposed zoning map amendment is in harmony with the recommendations of the Comprehensive Strategic Plan, particularly as evidenced by compliance with the standards of 102-903(d)(3)a – c:
 - (a) The proposed Official Zoning Map amendment furthers the purposes of this Chapter as outlined in Section 102-013 and the applicable rules and regulations of the Illinois Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA).
 - (b) The following factors have arisen that are not properly addressed on the current Official Zoning Map:
 - (i) The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Strategic Plan;
 - (ii) A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading;
 - (iii) Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district;
 - (iv) Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map.
 - (c) The proposed amendment to the Official Zoning Map maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 - (4) The Building and Zoning Superintendent shall forward the report per 102-903(d)(2), and if it has been prepared, the report per 102-903(d)(3), to the Plan Commission for the Commission's review and use in the making its recommendation to the City Council . If the Building and Zoning Superintendent determines that the proposal may be in conflict with the provisions of the Comprehensive Strategic Plan, the Building and Zoning Superintendent shall note this determination in the report.
- E. Review and Recommendation by the Plan Commission. The City Council shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (1) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days of the acceptance and determination of the complete application as determined by the Building and Zoning Superintendent. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 102-737 of this Title. Said notice shall contain a description of the subject property and the proposed change in zoning. The City Clerk shall mail an identical notice to the Applicant and to all property owners within 150 feet of the boundaries of the subject property as identified in 102-903(c)(1). Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (2) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the City Council stating its findings regarding 102-903(d), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of 102-903(d)(3)a – c.
 - (3) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an Applicant-approved extension per 102-903(e)(2)), then the City Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per 102-903(e)(2), shall not invalidate the proceedings or actions of the City Council . If such a public hearing is necessary, the City Council shall provide notice per the requirements of 102-903(e)(1).

- (4) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in 102-903(d)(3)a – c, after taking into consideration the proposal by the Applicant.
- F. Review and Action by the City Council. The City Council shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The Council may request further information and/or additional reports from the Plan Commission, the Building and Zoning Superintendent, and/or the Applicant. The Council may take final action on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings, at the Council's, or the Applicant's request. The City Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Building and Zoning Superintendent, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the City Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, then the procedure set forth in Section 65 ILCS 5/ of the Illinois Municipal Code shall be followed prior to Council action. Any action to amend the Official Zoning Map requires a two-thirds (2/3) vote of the Council. The City Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- G. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Building and Zoning Superintendent.
- H. Fee. A fee is required for this procedure as established from time-to-time by the City Council.

Sec. 102-916: RESERVED

Sec. 102-917: RESERVED

Sec. 102-918: Public Hearings

- A. Notice .Notice of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the municipality. The notice shall state the time and place of the hearing and the place where copies of the proposed ordinance will be accessible for examination by interested persons. The City Clerk shall mail an identical notice to the Applicant and to all property owners within 150 feet of the boundaries of the subject property as identified in 102-903(c)(1). Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section. The hearing may be adjourned from time to time.
- B. Decisions. Within 30 days after the final adjournment of the hearing the commission or board shall make a final report and submit a recommendation to the City Council. The City Council may act upon the recommendation with or without change, or may refer it back to the commission for further consideration.

Sec. 102-919: Special Use Review and Approval

- A. Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses. Conditional uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Title. In addition to such potential, conditional uses also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan and on a case by case basis. In order to prevent this from occurring, all conditional uses are required to meet certain procedural requirements applicable

only to conditional uses, in addition to the general requirements of this Title and the requirements of the zoning district in which the subject property is located.

- B. Approval Required. Uses listed as permitted by special use grant may be permitted in the district in which listed upon petition for such grant to the Plan Commission and subject to the approval of the City Council and to such other conditions as hereinafter designated.
- C. Basis for Approval. The Plan Commission and City Council shall base their determination on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the City and specifically of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carrying out the intent of special use grants. No special use permit shall be recommended or granted pursuant to this Code unless the applicant shall establish the following:
- (1) Zoning Code and Comprehensive Strategic Plan purposes and intent. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Sterling Comprehensive Strategic Plan or its elements.
 - (2) Adverse impact. The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
 - (3) Interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as not to unreasonably interfere with the use and development of neighboring property according to the applicable zoning district regulations.
 - (4) Adequate public facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.
 - (5) Traffic congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) Destruction of significant features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- D. Procedure.
- (1) Initiation of Request for Approval of a Conditional Use. Proceedings for approval of a conditional use shall be initiated by:
 - (a) A petition of the owner(s) of the subject property.
 - (b) A recommendation of the Plan Commission.
 - (c) By action of the City Council.
 - (2) Petition. A request for special use grant shall be submitted in writing to the City Clerk who shall promptly refer such petition to the Plan Commission and City Council for determination. Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request, specifically including the following:
 - (a) An accurate map of the property including indication of general terrain and topographical characteristics, the location of all significant terrain features such as streams, ponds, tree growths, etc., and the location of all existing structures.

- (b) An accurate and complete written description of the use for which a special use is being requested including pertinent statistics and operational characteristics.
 - (c) Plans and other drawings showing proposed development of the site and buildings including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc.
- (3) Review by City Staff. The proposed conditional use shall be reviewed by City Staff in the following steps:
- (a) The Building and Zoning Superintendent shall review the submittal in order to ensure that all required portions of the submittal are provided.
 - (b) Upon the receipt and acknowledgement of a complete submittal, City Staff shall undertake a review of the submittal which shall evaluate and comment on the written justification for the proposed conditional use provided in the submittal per Subsection (C) Basis for Approval above. Furthermore, said review shall evaluate the submittal based on the following questions:
 - (i) How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the City of Sterling Comprehensive Strategic Plan, or any other plan, program, or policy, adopted by the City?
 - (ii) How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the City of Sterling Comprehensive Strategic Plan, or any other plan, program, or policy, adopted by the City?
 - (iii) Does the proposed conditional use, in its proposed location and as depicted on the site plan, result in a substantial or undue adverse impact on adjacent property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this Chapter, the Comprehensive Strategic Plan, or other plan, program, map, or ordinance adopted?
 - (iv) Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the property?
 - (v) Is the proposed conditional use located in an area that will be adequately served by, and will not impose as undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the property?
 - (vi) Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use as identified in Subsections (i) through (v) above, after taking into consideration any proposal by the petitioner and any requirements recommended by the petitioner to alleviate such impacts?
 - (c) A staff report shall be forwarded to the Plan Commission for review and use in the development of a recommendation to City Council.
- (4) Review by Plan Commission. City Council shall not approve a conditional use without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (a) Within 45 days after the receipt of the complete petition as determined by the Building and Zoning Superintendent, the Plan Commission shall hold a public hearing pursuant to Section 10-9-36: Public Hearings of this Chapter.
 - (b) Within 60 days after the receipt of the complete petition as determined by the Building and Zoning Superintendent (or within an extension of said period requested in writing by the Petitioner and granted by the Plan Commission), the Plan Commission shall provide a written report, minutes, or motion to the City Council stating its findings regarding Subsection (3), above, and its recommendation regarding the petition as a whole. The report, minutes, or motion shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (3)(c) above.

- (c) If the Plan Commission fails to make a report within 60 days after the receipt of said complete petition (and in the absence of a petitioner-approved extension per (4)(b) above), then the City Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of City Council. If such a public hearing is necessary, the City Council shall provide notice per the requirements of Section 102-918: Public Hearings.
- (5) Hearing. The Public Hearing shall be held before the Plan Commission as soon as practical pursuant to Section 102-918: Public Hearings of this Chapter. The Plan Commission shall make a recommendation regarding the petition to the City Council.
- (6) Review and Action by City Council. Following a public hearing, necessary study and investigation, and recommendation of the Plan Commission, the City Council shall as soon as practical render its decision in writing and a copy made a permanent part of the Council's records. City Council shall consider the recommendation of the Plan Commission regarding the proposed conditional use. The Council may request further information and/or additional reports from the Plan Commission, City Staff, and/or the Petitioner. The Council may take final action on said conditional use at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. City Council may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of City Staff, the Plan Commission, or City Council itself), or may deny the proposed conditional use. Such decision shall include an accurate description of the special use permitted, of the property on which the special use is permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. Approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (7) Mapping & Recording: When a special use is approved, the requisite Building Permits, Occupancy Permits, and Zoning Permits shall be applicable solely to the structures, use and property so described. The City Clerk shall be responsible for recording the approved conditional use permit. Indication of such approval shall also be made on the Zoning Map by appropriate code number or symbol.
- E. Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change in factors found valid by the Building and Zoning Superintendent.
- F. Compliance with standards. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this division and Code authorizing such use.
- G. Special standards for specified special uses. When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards as set forth in Article V of this Chapter, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.
- H. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the City Council shall consider the following:
 - (1) Alternative locations. Whether and to what extent such public goals can be met by the location of the proposed use and development at another site or in another area that may be more appropriate than the proposed site.
 - (2) Mitigation of adverse impacts. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

- I. Conditions on special use permits. The Plan Commission may recommend, and the City Council may impose, such conditions and limitations concerning use, construction, character, location, landscaping, maintenance, screening, operation, hours of operation (except as may be allowed by other Federal, State, or County requirements), need for a developers agreement, and other matters relating to the purposes and objectives of this Code upon the premises benefited by the issuance of a Special Use Permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements near the subject property, upon such public facilities and services, protection of the public interest, and to secure compliance with the standards and requirements specified in this Code. Such conditions shall be expressly set forth in the resolution granting the Special Use Permit, and the City Council may require the unconditional consent of the applicant to such conditions. Violation of any such condition of limitation shall be a violation of this Code and shall constitute grounds for revocation of the Special Use Permit.
- J. Costs. The costs of all professional, expert, technical consultant services retained by the City and rendered in review of a Special Use Permit, administration of a Special Use Permit, checking and/or inspections relating to a Special Use Permit including, but not limited to, consulting professional engineers, consulting planners, City Attorney, or other professional, expert, or technical services shall be borne by the applicant for a Special Use Permit and shall be considered as a part of the application fees for a Special Use Permit.
- K. Affidavit of compliance with conditions. In all cases in which special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with. Whenever any Special Use Permit granted pursuant to this Code is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Building and Zoning Superintendent so stating.
- L. Effect of issuance of a special use permit. The grant of a Special Use Permit shall not authorize the establishment or extension of any such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the ordinances and codes of the City of Sterling, including but not limited to Building Permit, Zoning Permit, Occupancy Permit, Certificate of Appropriateness, land division approval, site plan approval, or other type of permit or approval.
- M. Limitations on special use permits.
 - (1) Time limitations. Subject to an extension of time granted by the City Council, upon recommendation of the Plan Commission, no Special Use Permit shall be valid for a period longer than twelve (12) months unless a Building Permit and/or Occupancy Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Zoning Permit is issued and a use commenced within that period.
 - (2) Use discontinuance. A Special Use Permit shall be deemed to authorize only the particular use for which it was issued. Such permits shall automatically expire and cease to be of any force or effect if such use shall be discontinued for twelve (12) consecutive months or more; provided, however, that if such use is discontinued due to labor strikes, war, natural disasters, or other similar cause(s) beyond the reasonable control of the holder of the Special Use Permit, such twelve (12) month period shall be extended for a period of time equal to the period that the holder of the Special Use Permit is prevented from engaging in the particular use for which the Special Use Permit was issued.
 - (3) Special use permit runs with land and not the applicant. Unless otherwise provided in the resolution granting a Special Use Permit, a Special Use Permit shall be deemed to relate to, and to be for the benefit of, the use and lot in question rather than the applicant, owner, or operator of such use or lot.
 - (4) Additions and enlargements to special uses.

- (a) Any additions or enlargements of an existing legal special use for which a Special Use Permit has been issued may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Code for its original approval.
- (b) Any additions or enlargements of an existing special use for which a Special Use Permit has not been issued shall be subject to the provisions of Subsection 102-905(n) of this Code.
- (5) Amendments to special use permits. A Special Use Permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Code for its original approval.

N. Existing Special Uses

- (1) Application to existing uses:
 - (a) A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only as a special use grant, shall automatically be granted special use status.
 - (b) The grant of a special use in such case shall be based upon the existing conditions at that time and any expansion or change in use shall require changing of the special use grant.
 - (c) Petition may be made at any time for expansion or other change of the special use grant and such petition shall not prejudice the existing grant as herein authorized.
 - (d) Special use status granted under previous zoning regulations shall be considered in effect under this ordinance subject to the conditions established by the original grant. Any expansion or other change, however, shall be subject to the provisions of this ordinance.
- (2) Review of existing special use permits. An existing Special Use Permit may be reviewed by the City as follows.
 - (a) The Plan Commission may review a Special Use Permit if any of the following determinations are made by the Plan Commission:
 - (i) The special use has not continued in conformity with the City's conditions of approval of the Special Use Permit or with any subsequent amendments to the Special Use Permit.
 - (ii) Violations of other statutes, ordinances, or laws.
 - (iii) A change in the character of the surrounding area or in the special use itself which has caused the special use to become incompatible with the surrounding uses.
 - (iv) A change in ownership or tenant; a change in the use or occupancy of property. This can involve the review of existing site/building conditions with a determination by the Plan Commission of where nonconforming elements are brought into compliance.
 - (b) The determination for the review of a Special Use Permit shall be made by the Plan Commission after due notice to the property owner, occupant, or agent as indicated on the Special Use Permit, as to the reasons for the review.
 - (c) Upon review of the Special Use Permit, the Plan Commission may recommend to the City Council that no action be taken, recommend revisions to the Special Use Permit or additional conditions be added to the Special Use Permit or may recommend that the City Council proceed with a public hearing for possible termination of the Special Use Permit.
 - (d) Termination: Where a permitted special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the special use grant may be terminated by action of the City Council following referral to the Plan Commission for recommendation, and public hearing thereon. Such use shall thereafter be classified as legal nonconforming use, except that where the action is due to failure to comply with the conditions of the special use grant, the City Council may require complete termination of such use.

- (3) Subsequent Change or Addition to the approved plans or use shall first be submitted for approval to the Community Services Department. If in the opinion of the Community Services Department such change or addition constitutes a substantial alteration based on the standards set forth, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to Section 102-918: Public Hearings of this Title.

Sec. 102-920: Temporary Use Review and Approval

A. Purpose

- (1) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary use.
- (2) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case by case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- (3) Land uses which fail to meet one of the requirements for temporary uses of Section 102-317: Matrix of Land Use may be reviewed as a special use.

B. Regulations Applicable to All Temporary Uses. No public hearing is required to develop a temporary use, however, a demonstration that the developer proposes to meet all temporary use requirements of this Article must be made at time of site plan application. Furthermore, no Building Permit shall be issued for any development that does not comply with all requirements of Section 102-911: Certificate of Occupancy. Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

C. Application Requirements. All applications for proposed temporary uses, shall be approved as complete by the Building and Zoning Superintendent prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:

- (1) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (2) A map, such as the Land Use Plan or Zoning Map, of the generalized location of the subject property in relation to the City as a whole; and
- (3) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
- (4) The Building and Zoning Superintendent may require a BSO Plan of the subject property. Said BSO Plan shall conform to any and all the requirements of Section 102-924.

D. Approval by the Building and Zoning Superintendent. Approval of a temporary use shall be by the Building and Zoning Superintendent following review of said complete application per (c) above.

E. Fee. A fee is required for this procedure.

Sec. 102-921: Sign Permit

A. Permit requirements.

- (1) If a sign requiring a permit under the provisions of this article is to be placed, constructed, erected or modified on a zoning lot, the owner of the lot shall secure a sign permit prior to the construction,

- placement, erection or modification of such a sign in accordance with the requirements of Subsection (D).
- (2) No signs shall be erected in the public right-of-way except in accordance with Section 102-711 and the special use requirements of Section 102-919.
 - (3) No sign permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of this article, including those protecting existing signs, in every respect, and with the signage plan in effect for the property.
- B. Submission of signage plan; contents; effect. No permit shall be issued for an individual sign requiring a permit unless and until a signage plan for the zoning lot on which the sign will be erected has been submitted to the Building and Zoning Services Coordinator and approved as conforming with Chapter 102.
- (1) Required information. For any zoning lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the Building and Zoning Services Coordinator a signage plan containing the following:
 - (a) An accurate plot plan of the zoning lot, at such scale as the Building and Zoning Services Coordinator may reasonably require;
 - (b) Location of buildings, parking lots, driveways and landscaped areas on such zoning lot;
 - (c) Computation of the maximum total sign area, the maximum area for individual signs, the height of the signs and the number of freestanding signs allowed on the zoning lot included in the plan under this article; and
 - (d) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not.
 - (2) Window signs. A signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window), and need not specify the exact dimensions or nature of every window sign.
 - (3) Other restrictions. The signage plan may contain such other restrictions as the owners of the zoning lots may reasonably determine.
 - (4) Consent of owners. The signage plan shall be signed by all owners or their authorized agents in such form as the Building and Zoning Services Coordinator shall require.
 - (5) Submission and processing. A signage plan shall be included in any development plan, site plan, planned unit development plan or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.
 - (6) Amendments. A signage plan may be amended by filing a new signage plan that conforms with all requirements of this chapter then in effect.
 - (7) Binding effect. After approval of a signage plan, no sign shall be erected, placed, painted or maintained except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any conflict between the provisions of such a plan and any other provision of this article, this article shall control.
 - (8) Assignment of sign permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building and Zoning Services Coordinator may require and paying any applicable fee. This assignment shall be accomplished by filing and shall not require approval.
- C. Approval of sign permits and signage plans. The following procedures shall govern the application for and issuance of all sign permits under this article, and the submission and review of signage plans:
- (1) Application. All applications for sign permits of any kind and for approval of a signage plan shall be submitted to the Building and Zoning Services Coordinator on an application form or in accordance

with application specifications published by the Building and Zoning Services Coordinator. Applications for display advertising signs shall include the name and address of the owner of the display advertising sign if different from the owner or tenant of the property.

- (2) Fees. Each application for a sign permit or for approval of a signage plan shall be accompanied by the applicable fees, which shall be established by the council from time to time by resolution.
 - (3) Determination of completeness. Within five working days of receiving an application for a sign permit or for a signage plan, the Building and Zoning Services Coordinator shall review it for completeness. If the Building and Zoning Services Coordinator finds that it is complete, the application shall then be processed. If the Building and Zoning Services Coordinator finds that it is incomplete, the Building and Zoning Services Coordinator shall, within such five (5) working-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this article.
 - (4) Issuance or denial of permit. Within five working days of the submission of a complete application for a sign permit, the Building and Zoning Services Coordinator shall either:
 - (a) Issue the sign permit, if the signs that are the subject of the application conform in every respect with the requirements of this article and of the applicable signage plan; or
 - (b) Reject the sign permit, if the signs that are the subject of the application fail in any way to conform with the requirements of this article and of the applicable signage plan. In case of a rejection, the Building and Zoning Services Coordinator shall specify in the rejection the sections of this article or applicable plan with which the signs are inconsistent.
 - (5) Action on signage plan. On any application for approval of a signage plan, the Building and Zoning Services Coordinator shall take action as follows: not more than ten working days after the submission of a complete application if the application is for signs for existing buildings; or on the date of final action on any related application for a building permit, site plan or development plan for signs involving new construction. On or before such applicable date, the Building and Zoning Services Coordinator shall either:
 - (a) Approve the proposed plan if the signs as shown on the plan and the plan itself conforms in every respect with the requirements of this article; or
 - (b) Reject the proposed plan if the signs as shown on the plan or the plan itself fails in any way to conform with the requirements of this article. In case of a rejection, the Building and Zoning Services Coordinator shall specify in the rejection the sections of this article with which the plan is inconsistent.
- D. Permit for construction or modification; inspection. Signs identified as "P" on Table A shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the Building and Zoning Services Coordinator. Such permits shall be issued only in accordance with the following requirements and procedures:
- (1) Signs outside of public right-of-way. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a signage plan then in effect for the zoning lot. One application and permit may include multiple signs on the same zoning lot.
 - (2) Signs within public right-of-way. An application for construction, creation or installation of a new sign or for modification of an existing sign within the public right-of-way shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a signage plan then in effect for the zoning lot. Prior to the issuance of a permit for a sign within the public right-of-way, the applicant shall comply with the requirements of Chapter 102 Article VII.
 - (3) Inspection. The Building and Zoning Services Coordinator shall cause an inspection of the zoning lot for which each permit for a new sign or for modification of existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the

construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is substantially complete but not in full compliance with this article and applicable codes, the Building and Zoning Services Coordinator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected.

- E. Certificate of compliance for existing signs. The owner of a zoning lot containing signs present at the date of adoption of this chapter or annexation to the city and requiring a permit under this chapter shall be provided a certificate of compliance for such property.
- (1) Signs existing at adoption of chapter. A preliminary certificate of compliance for all zoning lots with existing signs shall be issued by the Building and Zoning Services Coordinator within 180 days of adoption of this chapter. The Building and Zoning Services Coordinator may cause an inspection of the zoning lot for which the certificate is to be issued.
 - (2) Signs existing at time of annexation. For any sign on property annexed after the date of adoption of this chapter, a preliminary certificate of compliance shall be issued within 180 days of the effective date of the annexation or within such period as may be established in an annexation agreement between the city and the landowner.
 - (3) Objection to accuracy of preliminary certificate of compliance. Upon receipt of the preliminary certificate of compliance, the owner of the zoning lot or a designee shall be allowed thirty (30) days to object in writing to the accuracy of the certificate. Upon objection, the Building and Zoning Services Coordinator shall cause an inspection of the zoning lot for which the certificate is to be issued. A final certificate of compliance shall be issued within 60 days of receipt of the objection. If no objection is filed within thirty (30) days, a final certificate of compliance shall be issued by the Building and Zoning Services Coordinator.
 - (4) Assignment. A current and valid certificate of compliance shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Building and Zoning Services Coordinator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.
 - (5) Permit Fees. The Building and Zoning Services Coordinator shall collect fees in advance for sign permits. Fees for permits shall be established in resolution form by the city council.

Sec. 102-922: RESERVED

Sec. 102-923: RESERVED

Sec. 102-924: Building, Site, and Operation (BSO) Plan Review and Approval

- A. Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all proposed land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling) require the approval of building, site, and operational plans by the City before the building, occupancy, and building permits can be issued—except, however, that development activity associated with an approved final plat of subdivision for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the SIP phase of the Planned Development is exempt from this requirement.
- B. Applicability of this Section
- (1) The procedures to be followed in this subchapter shall be applicable to design, building and operational plans for all construction or external remodeling or enlargement of any primary or accessory structure, if such construction or external remodeling requires a building permit, and if

such development activity is located within the NB, CB, RB, DB, PB, LM, GM, HM, MR-6, or MR-12 zoning districts, unless said district specifically provides for an exemption from either site plan approval or administrative design review.

- (2) If the ordinances contained elsewhere within this title require a site plan approval or design review procedure of any kind prior to initiating any construction or remodeling or enlargement activity of any structure whatsoever, this subchapter shall supersede such procedural requirements contained within those other provisions, and this subchapter shall be the exclusive procedural requirement for applying for and receiving any site plan or design review approval.
- (3) If the ordinances contained elsewhere within this title require a site plan approval or design review procedure of any kind, the substantive standards for landscaping, open space, parking, screening, lighting, building materials or any other similar requirement that is of a substantive, rather than purely procedural nature, then those substantive requirements shall continue to be applicable, but the process for review shall be exclusively those procedural requirements contained in this subchapter.

C. Review Process/Procedure

- (1) Initiation of Request for BSO Plan Approval. Procedures for approval of a BSO plan shall be initiated by the owner(s) of the subject property, or their legally authorized representative(s).
- (2) Pre-Application Meeting. The petitioner is encouraged, but not required, to first meet with the Director of Community Services and other applicable City Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Petitioner on technical requirements and procedures, and a timetable for project review may be discussed.
- (3) Application Requirements. Petitioner shall submit a complete BSO Plan application as outlined in Section 102-908(C) BSO Submittal Requirements for Community Services Department review, accompanied by all fees and deposits which from time to time may be adopted by the City Council and in effect at the time of submittal.
- (4) Community Services Department Review. The Community Services Department shall review the application and submitted plans to determine whether the development complies with the provisions of this Guide. As part of its review, the Community Services Department may consult with other City Staff, consultants, the Plan Commission and officials of the City, county, state, fire and emergency medical services departments, or other agencies. The Community Services Department review may be combined with related Plan Commission reviews for rezoning, conditional use permit, land division, or other land use approvals. The Director of Building and Zoning Services or their designee shall reserve the right to defer decision regarding a BSO Plan to the Plan Commission for review and approval.
- (5) Timeframe. The Administrative Review shall not be conducted until the planning consultant has received a complete application. After the application is certified as complete, the review of the submitted application shall be completed within thirty (30) working days of application certification.

D. Appeals. Final actions of the Community Services Department under this Guide shall be permitted to be appealed as administrative interpretations to the Plan Commission and, following Plan Commission decision, to the City Council.

- (1) To Plan Commission. If the Petitioner is dissatisfied with the decision of the Director of Building and Zoning Services, the Petitioner may apply within thirty (30) days after the decision is issued to the Plan Commission for a review of that decision. The Plan Commission shall hear such appeals and issue a written decision with respect to the appeal within thirty (30) days after receipt of the appeal.
- (2) To the City Council. If the Petitioner is dissatisfied with the decision of the Plan Commission, the Petitioner may apply within thirty (30) days after the decision is issued to the City Council for a review of that decision. The City Council shall hear such appeals and issue a written decision with respect to the appeal within thirty (30) days after receipt of the appeal.

E. Project Commencement. No building permit shall be issued and no development project under the jurisdiction of this Guide shall commence construction until the Director of Building and Zoning Services

has received, in writing, Community Services Department approval of the application and submitted plans (or Plan Commission or City Council approval if the decision was appealed), and all conditions of approval that reasonably could have been satisfied have in fact been satisfied. The property owner shall be responsible for installing and maintaining all site improvements in conformance with the approved plans and all conditions.

- F. BSO Submittal Requirements. All Building, Site, and Operation Plan applications for review shall contain or include the plans listed in this section, and such other information as deemed necessary for consideration or as waived by the Plan Commission or the City Council. All plans shall be drawn to a recognized scale, and include a north arrow, date of preparation, and contact information.

(1) Written Description. A narrative which outlines the following:

- (a) Full name and contact information of the petitioner and / or agent, and property owner, if different;
- (b) Full name and contact information of petitioner's engineers, surveyors, architects, and other design professionals used in BSO Plan preparation;
- (c) Existing zoning district(s) and proposed zoning district(s) if different;
- (d) Current land uses present on the subject property;
- (e) Proposed land uses for the subject property
- (f) Land use designation(s) as depicted In the adopted Comprehensive Plan;
- (g) Description of environmental features existing on the property;
- (h) Projected number of residents, employees, and/or daily customers;
- (i) Proposed amount of dwelling units, floor area, open space area, and landscape surface area, expressed in square feet and acreage to the nearest one-hundredth of an acre;
- (j) Resulting site density, floor area ratio as calculated using the criteria established in Chapter 102, Article III of the Municipal Code, and greenspace;
- (k) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings,
- (l) Traffic generation;
- (m) Operational considerations relating to potential nuisance creation pertaining to the appropriate design of street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;
- (n) Material Safety Data Sheets (MSDS) for all materials anticipated to be used or stored on site;
- (o) Exterior building and fencing materials;
- (p) Possible future expansion and related implications for (a) – (o) above, and:
- (q) Any other information pertinent to adequate understanding by the Plan Commission or City Staff of the intended use and its relation to nearby properties.

(2) Site Plan. Illustrating, where applicable:

- (a) Lot area and current zoning of the site;
- (b) All existing and proposed lot lines, labeling dimensions, required minimum setbacks for buildings and other structures;
- (c) Wetlands, shoreland zoning areas, and floodplains;
- (d) Slopes of greater than twelve (12) percent;
- (e) Existing and proposed buildings, indicating gross floor area and capacity.

- (f) Other structures, such as accessory structures, fences, etc.;
 - (g) Parking lots, vehicle and pedestrian circulation and driveway areas, loading areas, and proposed ingress and egress to the site;
 - (h) Calculations for determining the number of off-street parking spaces as required by the Section 102-227 of the Municipal Code.
 - (i) Outdoor storage areas, dumpsters, and proposed screening;
 - (j) Adjacent streets and land uses, including all buildings within 50-feet of the site's boundaries.
- (3) Tree Survey Plan. As outlined in Section 3.02(2) of the City of Sterling Design Guide.
- (4) Landscape Plan. All existing plantings and all proposed new landscape plantings for the site, indicating their locations, quantities, species, size at time of planting, and size at maturity in accordance with Section 102-520.
- (5) Grading, Erosion Control, and Stormwater Plans. As required to meet all applicable City, County, and state requirements, and including existing and proposed surface elevations of the parcel.
- (6) Building Elevations. Depicting and describing the dimensions, colors, and materials proposed for all exterior building sides and roofs, along with building mounted lighting, signs, and mechanical units in accordance with Article V: Design Guidelines and Landscape Regulations.
- (7) Sign Plan. Including the location, height, dimensions, color, materials, lighting and sign copy area of all proposed exterior signage.
- (8) Exterior Lighting Plan. Applicants shall submit a unified lighting plan in accordance with Section 102-606: Exterior Lighting Standards.

Sec. 102-925: Planned Development District (PDD) Procedures

A. Purpose and Intent

- (1) Purpose. Planned Developments are designed to forward both the aesthetic and economic development objectives of the City by adhering to standards consistent with sound land use and urban design and by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than is normally required for other developments.
- (2) Intent. This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. This district is designed to promote both the aesthetic and economic objectives of the City by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. They are also intended to provide for flexible development standards to accommodate unique sites, mixtures of land uses, or development configurations. In exchange for such flexibility, the Planned Development District (PDD) shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments. The application of these standards will ensure long-term progress and broad participation toward these principles.
- PDDs are required to meet certain procedural requirements applicable only to PUDs, in addition to the general requirements of this title. A public hearing process is required to review a request for a PDD. This process shall essentially combine the process for a zoning map amendment with that required for a Special Use, with several additional requirements.

- B. Initiation of Request. Proceedings for amendment of this Ordinance may be initiated by any one of the following methods:

- (1) An application by any member of the general public;
 - (2) A recommendation of the City Staff;
 - (3) A recommendation of the Plan Commission; or
 - (4) By action of the City Council.
- C. Application Requirements. All applications for proposed Planned Development Districts, regardless of the party of their initiation per (B) above, shall be approved as complete by the Building and Zoning Superintendent. The Building and Zoning Superintendent shall forward copies of said complete application to the office of the City Clerk. Said application shall apply to each of the process steps in (D) below.
- D. Procedure.
- (1) Pre-Application Conference. The Petitioner shall contact the Building and Zoning Superintendent to place an informal discussion item for a Planned Development on the Plan Commission agenda. No details beyond the name of the Petitioner and the identification of the discussion item as a PDD is required to be given in the agenda. At the Plan Commission meeting, the Petitioner shall engage in an informal discussion with the Plan Commission regarding the potential Planned Development. Appropriate topics for discussion may include the location of the PDD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan. Points of discussion and conclusions reached in this stage of the process shall be in no way binding upon the Petitioner or the City, but should be considered as the informal evaluation for proceeding to the next step.
 - (2) Concept Plan. The Petitioner shall provide the Building and Zoning Superintendent with a draft Planned Development Concept Plan for a determination of completeness prior to placing the proposed Planned Development on the Plan Commission agenda for Concept Plan review. This submittal shall contain all of the following items, prior to its acceptance by the Building and Zoning Superintendent and placement of the item on a Plan Commission agenda for Concept Plan review.
 - (a) Legal description of the subject property.
 - (b) A location map of the subject property and its vicinity as depicted on the City of Sterling Future Land Use Map;
 - (c) A general written description of the proposed Planned Development District including:
 - (i) General project themes and images;
 - (ii) The general mix of dwelling unit types and/or land uses;
 - (iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - (iv) The general treatment of natural features;
 - (v) The general relationship to nearby properties and public streets;
 - (vi) The general relationship of the project to the Comprehensive Strategic Plan;
 - (vii) An initial draft list of zoning standards which will not be met by the proposed PDD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PDD and the location(s) in which they apply. The purpose of this listing shall be to provide the City Staff with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit and in regard to the mitigation of potential adverse impacts created by design flexibility;
 - (d) A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

- (i) Land Use Exemptions;
 - (ii) Density and Intensity Exemptions;
 - (iii) Bulk Exemptions;
 - (iv) Landscaping Exceptions;
 - (v) Parking and Loading Requirements Exceptions;
 - (e) A conceptual plan drawing of general land use layout and general location of major public streets and/or private drives.
 - (f) At the Plan Commission meeting, the Petitioner shall engage in an informal discussion regarding the PDD Concept Plan submittal. Appropriate topics for discussion may include any of the information provided in the PDD Concept Plan submittal or other items as determined by the Plan Commission.
 - (g) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon Petitioner or the City, but should be considered as informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of City Staff review of the Concept Plan to occur prior to introduction of the formal rezoning petition which accompanies General Development Plan (GDP) application.
- (3) General Development Plan (GDP). The Petitioner shall provide the Building and Zoning Superintendent with a draft GDP Plan submittal for a determination of completeness prior to placing the proposal on the Plan Commission agenda for review.
- (a) The submittal shall contain all of the following items, with the number of copies to be determined by the Building and Zoning Superintendent, prior to its acceptance by the Building and Zoning Superintendent and placement of the item on a Plan Commission agenda for review:
 - (i) Legal description of the subject property.
 - (ii) A location map of the subject property and its vicinity, as depicted on the City of Sterling Future Land Use Map;
 - (iii) A map of the subject property showing all lands for which the Planned Development District is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Whiteside County (as provided by the City of Sterling). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be at a reasonable scale. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (iv) A general written description of proposed Planned Development District including:
 - 1. General project themes and images;
 - 2. The general mix of dwelling unit types and/or land uses;
 - 3. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - 4. The general treatment of natural features;
 - 5. The general relationship to nearby properties and public streets;
 - 6. The general relationship of the project to the Comprehensive Plan,
 - (v) Statement of Rationale outlining the need for Planned Development District zoning. This shall identify barriers that the Petitioner perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Petitioner suggests are available through the proposed PDD zoning.

- (vi) A complete list of zoning standards which will not be met by the proposed PDD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PDD and the location(s) in which they apply shall be identified to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- (vii) A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - 1. Land Use Exemptions;
 - 2. Density and Intensity Exemptions;
 - 3. Bulk Exemptions;
 - 4. Landscaping Exceptions;
 - 5. Parking and Loading Requirements Exceptions.
- (viii) A General Development Plan Drawing at a reasonable scale of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
 - 1. A conceptual plan drawing of the general land use layout and the general location of major public streets and/or private drives.
 - 2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - 3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or City Council; and
 - 4. Notations relating the written information provided in (iv) above to specific areas on the GDP Drawing.
- (ix) A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of Section 102-520: Landscaping and Buffer Regulations (except as noted in the listing of exceptions) and the use of extra landscaping and buffer strips.
- (x) A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.
- (xi) Written justification for the proposed Planned Development District. (The Petitioner is advised to use the requirements of the Special Use procedure to develop said written justification.)
- (b) The process for review and approval of the GDP shall be identical to that for a zoning amendment as outlined in Section 102-915: Zoning Map Amendments. The approval of a GDP by the City Council shall establish a PDD/GDP Overlay District that is depicted as such on the official zoning map. The previous zoning, however, shall control development within the area of the GDP until all or portions of the GDP are approved as a Precise Implementation Plan (PIP) as outlined in (4) below.
- (c) Where a land division or lot consolidation is proposed, a preliminary plat final plat or CSM of the entire development area included in the GDP shall meet all requirements of Title 11, the City's Land Division and Subdivision regulations.

- (d) For multi-lot Planned Development Districts, a detailed neighborhood development plan showing the arrangement, design, and uses of different lots, buildings, driveways, parking areas, parks and open spaces, and paths.
 - (e) All portions of an approved GDP not fully developed within five years of final City Council approval shall expire, unless extended by Resolution of the City Council following a public hearing.
- (4) Precise Implementation Plan (PIP). After the effective date of the rezoning to PDD/GDP, the Petitioner may file an application for a proposed Precise Implementation Plan with the Development Review Committee.
- (a) The PIP submittal shall contain all of the following items, prior to its acceptance by the Building and Zoning Superintendent and placement of the item on a Plan Commission agenda for review. The number of copies to be submittal shall be determined by the Building and Zoning Superintendent.
 - (i) A location map of the subject property and its vicinity as depicted on a copy of the City of Sterling Land Use Plan Map;
 - (ii) Compliance with the submittal requirements as outlined in Section 102-924: Building Site and Operation Plan Review and Approval reference, and the Design Regulations outlined in Chapter 5 of this Title.
 - (iii) Statement of Rationale outlining the need for Planned Development District zoning. This shall identify barriers that the Petitioner perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Petitioner suggests are available through the proposed PDD zoning.
 - (iv) A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified to provide the Development Review Committee with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
 - (v) Location of recreational/open space areas and facilities, specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - (vi) A written description which demonstrates the full consistency of the proposed PIP with the approved GDP. Any and all variations between the requirements of the applicable PDD/GDP zoning district and the proposed PIP development; shall be identified.
 - (vii) The Plan Commission or City Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
 - (b) The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Development Plan. The proposed PIP shall comply with the requirements outlined in Section 102-924: Building Site and Operation Plan Review and Approval and the Design Regulations outlined in Chapter 5 of this Title.
 - (c) Where a land division or lot consolidation is proposed, a preliminary plat or final plat of the entire development area included in the PIP shall meet all requirements of Chapter 82: Subdivisions, the City's Land Division and Subdivision regulations. The approval of a PIP shall establish a PDD/PIP District that is depicted as such on the official zoning map.
 - (d) For multi-lot Planned Development Districts, a detailed neighborhood development plan showing the arrangement, design, and uses of different lots, buildings, driveways, parking areas, parks and open spaces, and paths.

- (e) All portions of an approved PDD/PIP not fully developed within two years of final City Council approval shall expire, unless extended by Resolution of the City Council following a public hearing.
- (f) The City may require the Petitioner to provide surety and/or contractual agreement, with the approval of the City Attorney, to ensure the development of public and private improvements.
- (5) Consolidated PDD Approval Process. The Petitioner may file an application for simultaneous approval of the GDP and PIP with the Plan Commission and City Council. The consolidated process shall include all the steps outlined in (3)(a) – (d) above, and decisions shall be made in accordance with Subsection (a) below for Basis for Approval.
 - (a) Basis for Approval. The Plan Commission, in making its recommendations, and the City Council in making its determination shall give consideration and satisfy themselves as to the following:
 - (i) That the proposed development is consistent with the spirit and intent of these regulations and produces significant benefits in terms of improved environmental design sufficient to justify the application of the "Planned Development District" concept;
 - (ii) That the site development plan reflects proper consideration of the natural features of the site, with particular concern for preservation of open space and careful grading to ensure proper drainage and conservation of natural features;
 - (iii) That the general character of the development produces an attractive environment appropriate to the intensity of uses proposed and which is compatible with existing developments in the surrounding area, and with general community development plans and policies;
 - (iv) That the development can be provided with appropriate municipal services or their equivalent in private services.
 - (v) That proposed design standards provide adequately for practical operation and maintenance of circulation, parking, emergency services, delivery services, and snow plowing.
 - (vi) That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay of the PDD District, that the project appears economically sound, that a surety/proof of financing is provided to the City, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City.
 - (vii) That the proposed development is consistent in all respects to the spirit and intent of this Ordinance, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood, that the specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of this Ordinance through the application of the PDD District.
 - (b) In the case of proposed residential developments:
 - (i) That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character established for the area by the community Comprehensive Plan, and where the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which could be anticipated under the base zoning.
 - (ii) The population composition of the development will not alter adversely the impact upon school or other municipal service requirements as anticipated under the existing basic zoning and Comprehensive Plan.
 - (iii) That the total average residential density of the project will be compatible with the Comprehensive Plan.

- (iv) That the aggregate open space of the development will be no less, than would have resulted from the application of open space requirements of the previous district.
 - (v) That adequate guarantee is provided for permanent retention as "open space area" of the residual open land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public.
 - (vi) Ownership, maintenance, and tax liability of private open space reservation shall be established in a manner acceptable to the municipality and made a part of the conditions of the plan approval.
 - (c) In the case of proposed PDD Planned Development District for commercial developments:
 - (i) That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
 - (ii) That the proposed development will be adequately served by off-street parking and truck service facilities.
 - (iii) That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an effect upon the general traffic pattern of the area incompatible with that anticipated under the Comprehensive Plan.
 - (iv) That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not creating an effect upon the property values of the surrounding neighborhood incompatible with that anticipated under the Comprehensive Plan.
 - (d) In the case of mixed use developments:
 - (i) That the proposed mixture of uses produces a unified composite which is compatible to itself and which as a total developmental entity is compatible with the surrounding neighborhood and consistent with the general objectives of the Comprehensive Plan.
 - (ii) That the various types of uses conform to the general requirements as herein set forth, applicable to projects of such use and character.
- E. Determination of the City Council.
- (1) The City Council, after due consideration and recommendation by the Plan Commission, may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions. A PDD may only be approved by an ordinance adopted by the City Council. Any ordinance approving a Planned Development District shall specify the special conditions and restrictions imposed on the PDD and shall include the development plan and plat of subdivision, provided that a plat or re-division or consolidation may be approved by the City Council as part of the PDD and must be recorded before permits may be issued. Said ordinance shall further contain a legal description of the property subject to such PDD and said ordinance shall be recorded in the office of the Register of Deeds of Whiteside County before any permits may be obtained.
 - (2) The approval of a petition and resulting amendment of the zoning map to include the PDD District shall be based on and include conditions to comply with the Building Site and Operation (BSO) Plans for the development. The development as approved by the City Council shall be mapped and recorded as specified by Section 102-915. Such plans, however, need not necessarily be completely detailed at the time of zoning provided they are of sufficient detail to satisfy the Plan Commission and City Council as to the general character, scope, and appearance of the proposed development as outlined in the GDP.
 - (3) No permits, as outlined in Section 102-910: Zoning Permit shall be approved or issued for any use or construction activity in a Planned Development District without final approval of a PIP by ordinance of the City Council.

F. Conditions and Restrictions.

- (1) The Plan Commission may recommend, and the City Council may adopt by resolution, conditions, and restrictions for planned developments that specify permitted uses, set bulk regulations and density standards for lot coverage and dwelling unit size and distribution, and yard setbacks. The Plan Commission, and the Public Works Board when applicable, may recommend, and the City Council may adopt by ordinance, such permissible modifications to Chapter 102 that are applicable to the PDD/GDP and the PDD/PIP.
- (2) The developer shall enter into a developer's agreement with the City to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific planned development, and to assure the construction of all facilities and infrastructure associated with the project.
- (3) No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a developer's agreement has been approved and executed and a bond has been posted. For staged development, such developer's agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.
- (4) If the owner of the Planned Development fails to adequately perform maintenance functions, such as snow and ice removal, weed cutting, or trash disposal, the City shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

G. Changes or Revisions.

- (1) All proposed changes, revisions, and additions to any aspect of an approved Planned Development project shall be submitted to the Building and Zoning Superintendent for its review. The Building and Zoning Superintendent shall determine whether the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.
- (2) If the requested change is determined by the Building and Zoning Superintendent to be substantial, because of its effect on the intended design of the project or on neighboring uses, a public hearing, subject to the notice requirements of a conditional use request, shall be held by the Plan Commission to review and pass its findings to the City Council for final approval.
- (3) If the change is determined to be minor, the Building and Zoning Superintendent shall review the request and may approve the change without a public hearing.
- (4) If the City Council approves any substantial or material change, an ordinance shall be passed and any necessary amendments to any developer's agreement(s) shall be executed prior to the Developer proceeding with implementation of any approved change or modification.

Sec. 102-926: RESERVED

Sec. 102-927: RESERVED

Sec. 102-928: RESERVED

Sec. 102-929: Performance Standards Administration and Enforcement

A. Intent. It is the intent of Article VI of this Chapter that determinations necessary for administration and enforcement of performance standards set forth herein can be made with satisfactory accuracy by a reasonable person using normal senses.

- (1) The Zoning Enforcement Officer or a designee shall make such determinations before a notice of violation is issued.

- (2) The Zoning Enforcement Officer shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice, to the person or persons responsible for the alleged violations and to the property owners, if different from the persons responsible. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Enforcement Officer believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Enforcement Officer within thirty (30) days.
- (3) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes a violation of the terms of this Title.
- B. Enforcement. The Zoning Enforcement Officer shall enforce violations of the Performance Standards under Article VI of this Chapter, after following paragraphs (1), (2), and (3), in Subsection (A) above.
- C. Violations and Legal Actions. If after investigation the Zoning Enforcement Officer finds that any provision of Article VI of this Chapter is being violated, he shall give notice of such violation by hand delivery or by certified mail, return-receipt requested, to the owner of such premises, demanding that such violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of such notice. If the violation is not abated within the thirty-day period, the Zoning Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this section. Nothing in this paragraph shall prohibit the City from instituting Public Nuisance procedures in accordance with this Code, nor shall any other remedy available to the Zoning Enforcement Officer be limited under this paragraph.

Sec. 102-930: RESERVED

Sec. 102-931: RESERVED

Sec. 102-932: Violations and Penalties

- A. Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's shall, upon conviction thereof, be subject to the penalties set forth in Subsection (b), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- B. Penalties. Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be subject to a forfeiture as determined from time-to-time by the City Council, together with the costs of the action. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.
- C. Hazardous Condition Caused by Violation of this Chapter. If the Building and Zoning Superintendent determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Building and Zoning Superintendent shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (e), below. The Building and Zoning Superintendent is hereby authorized to abate a violation of this Chapter.
- D. Non-Hazardous Condition Caused by Violation of this Chapter. If the Building and Zoning Superintendent determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Building and Zoning Superintendent shall serve written notice by Registered Mail on the current owner of the property (as indicated by current City of Sterling tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Building and Zoning Superintendent shall cause the violation

to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below.

- E. **Cost of Abatement.** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per Subsections (a) and/or (b), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the City to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Registered Mail, and shall be payable within thirty (30) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter such charges onto the tax roll as a special tax as provided by Illinois Statute.

Sec. 102-933: Fees

- A. **Review Fees.** A minimum review fee, as from time to time established by Resolution of the City Council, shall be charged for all applications to the Plan Commission where a fee has not been otherwise established by the zoning ordinance. Fees shall be, as from time to time, established by Resolution of the City Council. A penalty may be applied if work, use or activity is commenced before a permit is issued or approval is granted.
- B. **Consultant Fees.** The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or City Council. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of a professional services reimbursement form as a prerequisite to the processing of the development application.